

JUL 08 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANK DEGRASSE,

Petitioner - Appellant,

v.

CRAIG FARWELL; et al.,

Respondents - Appellees.

No. 07-15085

D.C. No. CV-03-00341-HDM

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Howard D. McKibben, District Judge, Presiding

Submitted June 18, 2008^{**}

Before: REINHARDT, LEAVY, and W. FLETCHER, Circuit Judges.

Frank DeGrasse appeals from the district court's judgment denying his 28 U.S.C. § 2254 habeas petition. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we remand.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

On June 11, 2008, this court received notice that DeGrasse has died. Accordingly, this petition is now moot. *See Garceau v. Woodford*, 399 F.3d 1101 (9th Cir. 2005). This case is therefore remanded to the district court with instructions to dismiss the petition.

REMANDED with instructions.